

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ABINGDON, VA  
FILED

SEP 15 2008

JOHN F. CORCORAN, CLERK  
BY:  DEPUTY CLERK

TONY C. GIBSON,

Plaintiff,

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

Case No. 2:07CV00033


**JUDGMENT**

By: James P. Jones  
Chief United States District Judge

It appearing that no objections have been timely filed to the Report filed August 22, 2008, setting forth the findings and recommendations of the magistrate judge, it is **ADJUDGED AND ORDERED** as follows:

1. The Report and its findings and recommendations are wholly ACCEPTED and APPROVED;
2. The motions for summary judgment by the parties are DENIED;
3. The final decision of the Commissioner of Social Security is VACATED and this action is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration in accord with the Report; and
4. The clerk will close this case.

ENTER: September 15, 2008

  
Chief United States District Judge